

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11cv178**

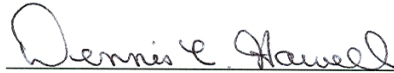
**DEERBORNE COTTAGES, L.L.C.,** )  
**et al.,** )  
 )  
 **Plaintiffs,** )  
 )  
**v.** )  
 )  
**FIRST BANK, et al.,** )  
 )  
 **Defendants.** )  
\_\_\_\_\_ )

**ORDER**

Pending before the Court is the Motion to Stay Litigation [# 11] filed by the Federal Deposit Insurance Corporation as Receiver for The Bank of Asheville (“FDIC”). The FDIC moves to stay this action for ninety days pursuant to 12 U.S.C. § 1821(d)(12), which provides that upon a receiver’s request to stay proceedings, “the court shall grant such stay to all parties.” 12 U.S.C. § 1821(d)(12)(B) (emphasis added). The granting of a stay under this section is mandatory. Praxis Props., Inc. v. Colonial Sav. Bank, S.L.A., 947 F.2d 49, 67 (3rd Cir. 1991); Wachovia Bank v. Vorce, No. 1:07cv847, 2007 WL 3471229, at \* 2 (W.D. Mich. Nov. 13, 2007); Horizon Bank v. St. Paul Mercury Ins. Co., No. 8:10cv1977-T-24, 2010 WL 3810840, at \*1 (M.D. Fla. Sept. 24, 2010). Accordingly, the Court **GRANTS** the Motion to Stay Litigation [# 11] and **STAYS**

these proceedings for ninety (90) days.

Signed: November 18, 2011



Dennis L. Howell  
United States Magistrate Judge

